IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 19298 of 2007(V)

PETITIONER:

SCARIA THOMAS, VETTUKUZHIYIL HOUSE,
VAZHAPPALLY EAST, CHANGANACHERRY, KOTTAYAM.

BY ADV. SRI.SANTHAN V.NAIR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
GOVERNMENT PLEADER, HIGH COURT OF KERALA.

2. THE TAHSILDAR, TALUK OFFICE,
CHANGANACHERRY, KOTTAYAM.

3. VILLAGE OFFICER, VAZHAPALLY EAST VILLAGE
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.

BY GOVT.PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO.19298 OF 2007 - V

Dated this the 25th day of July, 2007

J U D G M E N T

The petitioner challenges Exts.P5 and P6 issued under the Kerala Land Conservancy Act and Rules. The contention of the petitioner is that while issuing Ext.P5 order, the Tahsildar has not applied his mind as is clear from the fact that he has only filled up the blank portions of a form already prepared. The petitioner would submit that his contentions have not been specifically referred to.

2. The learned Government Pleader, on the basis of a sketch prepared after survey, would contend that clearly there is encroachment by the petitioner. Even assuming that the learned Government Pleader's contention is correct, since a party is entitled to know the ground on which his objections have been rejected, the least the Tahsildar could have done is to supply the petitioner with a copy of the sketch prepared after measurement.

3. In the above circumstances, I dispose of this writ petition with the following directions:-

The Tahsildar shall hear the petitioner again after supplying a copy of the sketch prepared pursuant to measurement and pass a speaking order dealing with the objections of the petitioner. Till such time, Exts.P5 and P6 shall not be enforced.

Sd/-
S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.TO JUDGE

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007